

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**FREDERICK DECKER,**

**Plaintiff,**

**v.**

**8:09-CV-908  
(FJS/VEB)**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

---

**APPEARANCES**

**OF COUNSEL**

**OFFICE OF ANTHONY B. LAMB**

300 Cornerstone Drive #335  
Williston, Vermont 04595  
Attorneys for Plaintiff

**ANTHONY B. LAMB, ESQ.**

**SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL  
COUNSEL, REGION II**

26 Federal Plaza, Room 3904  
New York, New York 10278  
Attorneys for Defendant

**DENNIS J. CANNING, ESQ.  
ELLEN E. SOVERN, ESQ.  
JOANNE JACKSON, ESQ.**

**SCULLIN, Senior Judge**

**ORDER**

On August 7, 2009, Plaintiff commenced this action seeking judicial review of Defendant's final decision pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3). *See* Dkt. No. 1. Defendant submitted his answer on December 21, 2009. *See* Dkt. No. 8. Plaintiff filed a brief in support of his complaint on February 22, 2010, *see* Dkt. No. 12; and Defendant filed his brief in opposition on May 3, 2010, *see* Dkt. No. 15. On November 28, 2011, Magistrate Judge Bianchini issued a Report and Recommendation, in which he recommended that the Court grant

Defendant's motion for judgment on the pleadings and deny Plaintiff's motion for judgment on the pleadings. *See* Dkt. No. 18. Plaintiff filed objections to those recommendations. *See* Dkt. No. 19.

In reviewing a magistrate judge's report-recommendation, the district court may decide to accept, reject or modify the recommendations therein. *See* 28 U.S.C. § 636(b)(1). The court conducts a *de novo* review of the magistrate judge's recommendations to which a party objects. *See Pizzaro v. Bartlett*, 776 F. Supp. 815, 817 (S.D.N.Y. 1991). ""If, however, the party makes only conclusory or general objections, or simply reiterates his original arguments, the Court reviews the Report and Recommendation only for clear error."" *Salmini v. Astrue*, No. 3:06-CV-458, 2009 WL 1794741, \*1 (N.D.N.Y. June 23, 2009) (quoting [*Farid v. Bouey*, 554 F. Supp. 2d 301] at 306 [(N.D.N.Y. 2008)] (quoting *McAllan v. Von Essen*, 517 F. Supp. 2d 672, 679 (S.D.N.Y. 2007))). Finally, even if the parties file no objections, the court must ensure that the face of the record contains no clear error. *See Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (quotation omitted).

The Court has conducted a *de novo* review of Magistrate Judge Bianchini's Report and Recommendation in light of Plaintiff's objections and, despite Plaintiff's arguments to the contrary, concludes that Magistrate Judge Bianchini correctly found that the ALJ had applied the appropriate legal standards and that the ALJ's findings were supported by substantial evidence. Accordingly, the Court hereby

**ORDERS** that Magistrate Judge Bianchini's November 28, 2011 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

**ORDERS** that Plaintiff's motion for judgment on the pleadings is **DENIED**; and the Court further

**ORDERS** that Defendant's motion for judgment on the pleadings is **GRANTED**; and the Court further

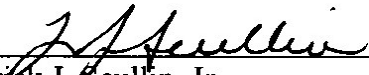
**ORDERS** that Defendant's decision is **AFFIRMED**; and the Court further

**ORDERS** that Plaintiff's complaint is **DISMISSED in its entirety**; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

**IT IS SO ORDERED.**

Dated: March 28, 2012  
Syracuse, New York

  
\_\_\_\_\_  
Frederick J. Scullin, Jr.  
Senior United States District Court Judge